

1 GEOFFREY HANSEN
Acting Federal Public Defender
2 RITA BOSWORTH
Assistant Federal Public Defender
3 19th Floor, Federal Building, Box 36106
450 Golden Gate Avenue
4 San Francisco, CA 94102
Telephone: (415) 436-7700
5
6 Counsel for Defendant STERLING

7
8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-886 RS
12)
Plaintiff,)
13 vs.) **STIPULATION AND [PROPOSED]**
) **ORDER REGARDING SENTENCE**
14 YUSEF STERLING,) **REDUCTION UNDER U.S.S.G. §**
) **1B1.10(b)(1) (AS AMENDED BY 750,**
15 Defendant.) **PARTS A & C)**
)
16 _____)

17 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting
18 through their respective counsel, that:

- 19 1. The defendant is making an unopposed motion for a modification of his sentence
20 pursuant to 18 U.S.C. § 3582(c)(2).
21 2. Defendant's original guideline calculation was as follows:
22 Total Offense Level: 29
23 Criminal History Category: IV
24 Guideline Range: 121-150
25 Mandatory Minimum: 120 months
26 3. Defendant was sentenced to 121 months imprisonment on September 3, 2009.

- 1 4. According to the Bureau of Prisons, defendant's current projected release date is
2 September 22, 2017.
- 3 5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence
4 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A
5 and C, of the United States Sentencing Guidelines Manual.
- 6 6. Defendant's revised guideline calculation is as follows:
7 Total Offense Level: 25
8 Criminal History Category: IV
9 Guideline Range: 84-105
10 Mandatory Minimum: 120 months
- 11 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
12 Court by the probation office.
- 13 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
14 reducing defendant's sentence to 120 months.
- 15 9. The parties further stipulate that all other aspects of the original judgment order including
16 the length of term of supervised release, all conditions of supervision, fines, restitution,
17 and special assessment remain as previously imposed.
- 18 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
19 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
20 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).
- 21 11. Defendant waives his right to appeal the district court's sentence.
- 22 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in
23 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §
24 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines
25 Manual. The parties agree that a proposed amended judgment will be submitted to the
26 Court by the probation office, along with the Sentencing Reduction Investigation Report.

1 IT IS SO STIPULATED:

2 /s/

3 Date: 3/27/12

4 RITA BOSWORTH
Assistant Federal Public Defender

5 /s/

6 Date: 3/27/12

7 BRIAN STRETCH
Assistant United States Attorney

8 ~~PROPOSED~~ ORDER

9
10 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED
11 that the defendant's sentence is reduced to 120 months; and it is further ORDERED that all
12 original conditions of supervision, fines, restitution, and special assessment remain as previously
13 imposed.

14
15 Date: 4/2/12

16 
RICHARD SEEBORG
United States District Judge